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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

VADIM FURMAN,)	
)	No. C 07-4363 PVT
Plaintiff,)	
)	
v.)	
)	ANSWER
Department of Homeland Security,)	
MICHAEL CHERTOFF, Secretary;)	
United States Citizenship and Immigration)	
Services, EMILIO T. GONZALEZ, Director;)	
United States Citizenship and Immigration)	
Services, ROSEMARY MELVILLE, District)	
Director; U.S. Attorney General, ALBERTO)	
GONZALES; Federal Bureau of Investigations,)	
ROBERT S. MUELLER, III, Director,)	
)	
Defendants.)	

The Defendants hereby submit their answer to Plaintiff's Petition for Hearing on
 Naturalization Application Pursuant to 8 U.S.C. § 1447(b).

1. Defendants admit the allegations in Paragraph One.
2. Defendants admit the allegations in Paragraph Two.
3. Defendants admit the allegations in Paragraph Three.
4. Defendants admit the allegations in Paragraph Four.
5. Defendants deny the allegations in Paragraph Five. Peter Keisler is the acting Attorney

ANSWER
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1 General of the United States.

2 6. Defendants admit the allegations in Paragraph Six.

3 7. Defendants admit the allegations in Paragraph Seven.

4 8. Paragraph Eight consists of Plaintiff's allegation regarding jurisdiction, to which no
5 responsive pleading is required; however, to the extent a responsive pleading is deemed necessary,
6 Defendants deny that this Court has jurisdiction under any of the provisions cited in Paragraph
7 Eight.

8 9. Defendants admit the allegations in Paragraph Nine.

9 10. Defendants deny the allegations in Paragraph Ten. Plaintiff was not examined, he was
10 interviewed on June 5, 2006.

11 11. Defendants deny the allegations that it was an examination. Plaintiff passed the Civics
12 and English tests. Defendants admit the allegation that Plaintiff was told that his background
13 check was pending.

14 12. Defendants are without sufficient information to admit or deny the allegations in
15 Paragraph Twelve.

16 13. Paragraph Thirteen consists of Plaintiff's characterizations of the lawsuit for which no
17 answer is required.

18 14. Defendants admit the allegations in Paragraph Fourteen.

19 15. Paragraph Fifteen consists of Plaintiff's characterizations of the lawsuit for which no
20 answer is required.

21 The remaining paragraph consist of Plaintiff's prayer for relief, to which no admission or
22 denial is required; to the extent a responsive pleading is deemed to be required, Defendants deny
23 this paragraph.

24 **FIRST AFFIRMATIVE DEFENSE**

25 The Court lacks jurisdiction over the subject matter of this action.

26 **SECOND AFFIRMATIVE DEFENSE**

27 The Complaint fails to state a claim against the Defendants upon which relief can be granted.
28

THIRD AFFIRMATIVE DEFENSE

No acts or omissions by the United States or its employees were the proximate cause of any injury or damages to the Plaintiff.

FOURTH AFFIRMATIVE DEFENSE

At all times alleged in the complaint, Defendants were acting with good faith, with justification, and pursuant to authority.

FIFTH AFFIRMATIVE DEFENSE

The Defendants are processing the application referred to in the Petition to the extent possible at this time. Accordingly, no relief as prayed for is warranted.

WHEREFORE, Defendants pray for relief as follows:

That judgment be entered for Defendants and against Plaintiff, dismissing Plaintiff's Petition with prejudice; that Plaintiff takes nothing; and that the Court grant such further relief as it deems just and proper under the circumstances.

Dated: November 2, 2007

Respectfully submitted,

SCOTT N. SCHOOLS
United States Attorney

/s/
ILA C. DEISS
Assistant United States Attorney
Attorneys for Defendants